

## REMARKS

The Office Action of July 16, 2002 is acknowledged. Applicant thanks the Examiner for reconsideration and withdrawal of the Final Office Action of June 4, 2002.

### Claim Rejections Under 35 U.S.C. §112(2)

Claims 21-30 stand rejected under 35 U.S.C. §112 as being incomplete for omitting essential structural cooperative relationships of the elements. With the above amendments to claims 21 and 27, Applicant has addressed this rejection and established a cooperative structural relationships between the elements.

Claim 26 was also rejected under 35 U.S.C. §112 under the contention that the limitation "the frame" lacked antecedent basis. This issue has been addressed in the amendment to claim 26 above.

### Claim Rejections Under 35 U.S.C. §102

Claims 1, 9, 21-24, 26, and 27-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,400,993 to *Hamilton*. Claims 2-8, 10-15, 25, and 30 have been objected to in paragraph 5 of the Office Action, but the Examiner has indicated these claims would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 2, 10, and 13 have been amended above and rewritten in independent form to include all the limitations of the base claim and any intervening claims as the Examiner indicated would be allowable. It follows that claims 3-8, which depend from claim 2; claims 11-12, which depend from claim 10; and claims 14-15 which depend from claim 13, should also all be allowable.

Although Applicant considers claim 1 as amended in the Response of March 11, 2002 to be patentable over *Hamilton*, as the swivel part in *Hamilton* does not engage the catch part as required by the claim, Applicant has further clarified the terms in claim 1 with the above amendment to expedite the prosecution of this Application. In particular, claim 1 now states that the slot is "wider than the swivel part where the swivel part is fitted into the slot and narrower than the swivel part where the swivel part engages the catch part." In contrast, the slot 112a in *Hamilton* has a uniform width and is wider than the swivel part 108a across the entire width of the slot.

In the amendment to claim 21 above, Applicant has further clarified the terms in the claim by noting that the barrel-shaped swivel part is "moveable relative to the catch

part to tilt and secure the appliance in a position relative to a vertical plane." Catch part 112 and swivel part 108a in *Hamilton* do not have this feature. Rather, in *Hamilton*, the swivel part 108a and catch part 112 are connected by a fastening pin 110 that may facilitate some movement about a vertical plane; however, the swivel part and catch part cannot secure the appliance at an angle to the vertical plane. In *Hamilton*, as shown in Figures 4 and 5, a separate tilting and securing means, which includes a pair of separate adjustable fasteners 74, is required to secure the appliance relative to a vertical plane (column 4, lines 18-28).

Claim 27 has also been amended to further clarify its terms. Claim 27 now specifies that "a singular movement of the tilting mechanism both tilts and holds the appliance relative to a vertical plane." In Applicant's invention, this feature is achieved by the singular motion of rotating the adjustment bolt 76 to both tilt and hold the appliance relative to a vertical plane (paragraph 0030). In comparison, as discussed above in regards to claim 21, the tilting means in *Hamilton* requires an additional pair of adjustable fasteners 74 in order to tilt and hold the appliance. With the device disclosed in *Hamilton*, one has to make multiple movements of the tilting mechanism to tilt and hold the appliance. First, separate movements of both adjustable fasteners 74 would be required to loosen the mechanism to allow the tilt to be adjusted. Next the appliance must be manually tilted to the desired position, and then, another opposite movement of both adjustable fasteners 74 would be required to secure the appliance in the desired tilted position.

An earnest attempt has been made to respond fully and completely to the Office Action of July 16, 2002. Applicant notes that certain claims have been amended and cancelled solely to advance prosecution of this Application and to obtain allowance on allowable claims at the earliest possible date. As such, no admission may be inferred by the cancellations and amendments herein. It is believed that all remaining claims 1-8, 10-15, and 21-31 are in condition for allowance. Accordingly, passage to issuance is respectfully solicited. If necessary to effect a timely response, please consider this paper a petition for extension of time sufficient to make this response timely and charge any fees not covered by the attached check or credit any over payment of fees to Baker & Daniels deposit account number 02-0387 (75225.77).

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."



Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on November 14, 2002

11/14/02

Date

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**"VERSION WITH MARKINGS TO SHOW CHANGES MADE"**

1. ~~(Twice Amended) A mount for an appliance comprising: a frame for supporting said appliance, said frame including an upper catch part, said catch part having a slot therein; and a swivel part suspended from a support adapted to be mounted to a wall or ceiling, said swivel part fitted into said slot and engaging the catch part to support said frame, the slot having a varying width and being wider than the swivel part where the swivel part is fitted into the slot and narrower than the swivel part where the swivel part engages the catch part.~~
2. ~~(Amended) The mount of claim 1, wherein said swivel part includes~~  
~~(Twice Amended) A mount for an appliance comprising: a frame for supporting said appliance, said frame including an upper catch part, said catch part having a slot therein; and a swivel part suspended from a support adapted to be mounted to a wall or ceiling, said swivel part fitted into said slot and engaging the catch part to support said frame, said swivel part including~~ a barrel-shaped member, said catch part including a retainer intersected by said slot and said retainer including an arcuate portion, said barrel-shaped member located under said arcuate portion to allow pivotal movement of said arcuate portion about said barrel-shaped member.
10. ~~(Amended) A mount for an appliance comprising: a frame for supporting said appliance; an upper catch part, said catch part having a singular slot therein that is located centrally relative to side portions of said frame; and a swivel part including~~ a barrel-shaped member ~~fitted into said slot and engaging the catch part to support said frame from a wall or ceiling.~~
13. ~~(Amended) A mount for an appliance comprising: a frame for supporting said appliance; an upper catch part, said catch part having a singular slot therein that is located centrally relative to side portions of said frame; and a swivel part fitted into said slot and engaging the catch part to support said frame from a wall or ceiling, said swivel part including~~ The mount of claim 9, wherein said swivel part includes a rotation member to allow rotation of the frame about a vertical axis.
21. ~~(Amended) A mount for an appliance including:~~

a support for supporting the appliance from a ceiling or a wall;

a barrel-shaped swivel part; and

a catch part, the barrel-shaped swivel part engaging the catch part, and one of either the barrel-shaped swivel part or catch being connected to the support and the other connected to the appliance, and the barrel-shaped swivel part being moveable relative to the catch part to tilt and secure the appliance in a position relative to a vertical plane.

26. **(Amended)** The mount of claim 21 wherein the swivel part is attached to the support assembly and the catch part is attached to the a frame holding the appliance.

27. **(Amended)** A mount for an appliance including:

a frame for holding the appliance;

a support assembly for supporting the frame from a wall or ceiling; and

a tilting mechanism whereby interconnecting the frame and the support assembly whereby a singular movement of the tilting mechanism both tilts and holds the appliance relative to a vertical plane.